

Law Clerk's Copy
 us Dist Court middle
 Dist Court of Penna

WM Branch
 Plaintiff
 v
 Reussian, et. al.,
 Defendant

Civil action
 No. 1:CV. 00-1728
 (Judge Rombo)

FILED
 HARRISBURG

JAN 14 2002

Motion for Discovery

MARY E. D'ANDREA, CLERK
 Per MM
 DEPUTY CLERK

If it Please's the court here come's
 William Branch ask the court to grant my motion
 for Discovery.

1. a copy of my ~~Comm~~ committent papers from
 SCI waymart on my Pre sentence investigation
2. from the P.B.P.P. a status sheet of How
 many inmates have been Paroled who Did
 complete the S.O.P and How many inmates
 were paroled who did not complete the
 S.O.P. and in each group How many were
 Black and How many were white also
 How many of each group Reoffended for
 Sex offences and which were Black and
 which were white.

I need this to show that my Denial of Parole
 as stated by Mr. Nish in Exhibit AA-1 Page 5 AA-2
 2 paragraph from the Bottom this will show the
 falsefication of office documents and Racail dis-
 crimination by the denial of Parole to me
 Date 1-11-02

Respectful
 WM Branch
 PO BOX 256
 Waymart Pa 180

PROOF OF SERVICE

I, the undersigned, verify that I have served a copy of this petition by U.S. postage paid mail to:

U.S. Justice Dept
Attn: Diana Roberts
Washington D.C.
20531

Deputy attorney
General Mosely
Strawberry sq 15th FL
Harrisburg Pa 17120
* No prayer
* No exhibit

US Dist Court
Judge Rambo
PO Box 983
Harrisburg Pa
17108

MOTION TO PROCEED IN FORMA PAUPERIS

I, the undersigned, move this Honorable Court for an order permitting me to proceed In Forma Pauperis. I had previously been granted In Forma Pauperis status. My financial situation has not changed. I am still unable to pay the cost of the said proceedings.

VERIFICATION

I, the undersigned, verify that the above statements are true and correct and that any false statements herein are made subject to Title 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: 1-11-02

William Branch

S.C.I. Waymart
P.O. Box 256
Waymart, PA 18472-0256

Exhibit
7A-8

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

December 10, 2001

William Branch, CF-3756
SCI Waymart

Re: DC-ADM 801 - Final Review
Misconduct No. 627233

Dear Mr. Branch:


Your appeal of the above-referenced misconduct has been received by this office and is accepted for final review. In this appeal, you suggest the evidence is insufficient to support a finding of guilt.

In accordance with DC-ADM 801, VI, L, 3, I have reviewed the entire record of this misconduct; including the misconduct report, the hearing report and related documents, your appeal to the Program Review Committee and their response, your appeal to the Superintendent and his response. I have also thoroughly reviewed the issues you raise to final review.

There is sufficient evidence in the misconduct report to sustain a finding of guilt. At your hearing, and in this appeal, you deny some of that evidence. The only issue here is one of credibility. DC-ADM 801, §VI E, 7 d, provides that determinations of credibility shall be left to the judgement of the Hearing Examiner. The Examiner discredited your denials and found credible the evidence related by the charging officer in the misconduct report. There is no basis for this office to overturn the Examiner's determination of credibility. Therefore, the credible evidence presented at your hearing supports the finding of guilt the Examiner made.

For the above-stated reasons, I conclude that the issues raised do not require any further action on this misconduct. Your appeal must, therefore, be denied.

Sincerely,



Robert S. Bitner
Chief Hearing Examiner

RSB:bjk
pc: Superintendent Colleran

Based upon 40 min's
counting the first
The Facts by
Themselves show
The H.E. ERRORed!
w.B.

Dec. 2, 2001

WM Branch CF 375
Po Box 256
Waymart, Pa 18477Final Review
Sec. office of inmate grievance

Misconduct #62723

Sir. I was written up for failer to sit for count one c/o counted me said nothing c/o Kowarski Right behind him counting said ~~Branch~~ Branch sit up, I was already siting up 3 inmates witness also afirmed this the witness statement is in their own hand writing using a inmate as an example is not justice nor is it Equal protection.

Evidence: I c/o said I was not siting, I have write him up and I am sueing him in federal court if he wrote me up he should have written everyone that he had to ask to sit for count at anytime this was personal

Evidence: I c/o counted found no need to say anything Three inmates witness written statement and oral allowed by hearing Examiner stated a affirmation to tell the truth, that I was siting for count.

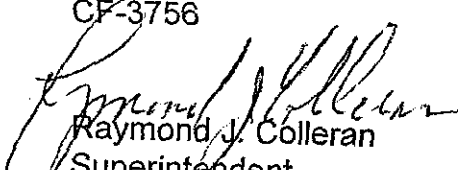
I am no bodies leader I am trying to follow the Rules and I wish these people would do the same. Retaliat is a violation of the Const of the U.S.A

I Respectfully ask that you over rule the H.E.
Date 12/2/01 I affirm the above statement to be true under penalty of the law Respectfully
WM Branch

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI WAYMART
570-488-5811
November 28, 2001

SUBJECT: Appeal to Misconduct 627233

TO: William Branch
CF-3756

FROM: 
Raymond J. Colleran
Superintendent

I have reviewed your misconduct received in my office on November 28, 2001. After my review, I concur with the findings of the hearing examiner and the sanction imposed by him.

Your appeal at this level is denied.

RJC/fb

cc: PRC Members
DC-15

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Final appeal For misconduct #821233</i> <i>Supt. Callahan</i>		2. Date: <i>11-27-01</i>	
3. By: (Print Inmate Name and Number) <i>WM Branch CF3756</i> <i>William Branch</i> Inmate Signature		4. Counselor's Name <i>Mr McDowell</i>	
6. Work Assignment <i>Unassigned</i>		5. Unit Manager's Name <i>Mr Chipego</i>	
		7. Housing Assignment <i>F-2</i>	
8. Subject: State your request completely but briefly. Give details.			
<p><i>Sir I was given 30 days cell restriction for failing to sit for count.</i></p> <p><i>One C/O counted me passed C/O Kowarski in front of my cube C/O Kowarski then said sit for count.</i></p> <p><i>I was sitting for count by C/O Muir counting me and leaving I also had 3 inmates witness state that I was sitting for count. C/O Kowarski is Retaliating against me for grievances written on him by me with this verdict anyone he dislikes he can say sit for count and you get convicted no matter what witness you have these inmates know what happen and how wrong this C/O is in the interest of justice please over turn this wrong.</i></p> <p style="text-align: right;"><i>Respectfully</i></p>			
9. Response. (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

Print

Sign

Date

DC-141 PART III**PROGRAM REVIEW COMMITTEE ACTION****COMMONWEALTH OF PENNSYLVANIA****DEPARTMENT OF CORRECTIONS**
☐ Misconduct Appeal ☐ Periodic Review ☐ Other

DC Number	Name	Institution	Date of Review	No. from PART 1
CF-3756	Branch, William	SCI-Waymart	11/21/01	627233

Mr. Branch is appealing misconduct #627233 for Failure to Stand Count or Interference With Count on the grounds that the procedures used were contrary to law, Administrative Directive 801 or ICU Consequence Decree; the punishment was disproportionate to the offense and the evidence was insufficient to support the decision. In reviewing the misconduct, the Program Review Committee found that there was no violation of any department directive or law. In addition, the punishment was appropriate for the misconduct and that the evidence was sufficient to support the Hearing Examiner's decision. It should be noted his statement of facts relevant to this appeal provided no new information. The Program Review Committee sustains both the findings of the Hearing Examiner and the sanction.

Name of Program Review Committee Members	Signatures	Date
Deputy Martin Andrews	<i>Martin F. Andrews</i>	11-21-01
Milt Friedman, Unit Manager	<i>Milt Friedman</i>	11/21/01
Lieutenant Emanuel Patterson	<i>Emanuel Patterson</i>	11-21-01

3

FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		627233	
<input checked="" type="checkbox"/> MISCONDUCT REPORT		<input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number	Name	Institution	Incident Time 24 Hr. Base	Incident Date	Date of Report		
CF-3756	BRANKH	SCUEN	1630	11-17-01	11-17-01		
Quarters	Place of Incident						
F-2	F-2 CUBE 1004	Exhibit AA-8					
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
	COE Muir		X				
MISCONDUCT CHARGE OR OTHER ACTION							
CLASS 2 CAT B #35 (Refusing To Obey An Order) CLASS 1 B #41 (Failure To Stand Court OR Interfere With Court)							
STAFF MEMBER'S VERSION							
AT 1630 CONTROL MADE THE ANNOUNCEMENT TO CONDUCT COURT. AT THIS TIME OFCR Muir ORDERED THE BLOCK TO SIT UP ON THEIR BUNKS. WHEN COUNTING CUBE 100 THIS OFFICER'S COUNT WAS INTERRUPTED BY STOPPING TO ORDER TIM BRANKH CF3756 TO SIT FOR COURT, WHO WAS LYING ON HIS BUNK. HE REFUSED OFCR Muir'S INITIAL ORDER TO SIT UP AND REFUSED ALL PREVIOUS ORDERS BY MYSELF ON 7-14-01, OFCR ROEG ON 10-24-01, OFCR PAGLIESE ON 6-5-01, AND OFCR SAWETHACK ON 12-20-00 ALL HAVE BEEN DOCUMENTED ON HIS QUARTERS CARD							
IMMEDIATE ACTION TAKEN AND REASON							
CONTINUE PRESENT STATUS UNTIL SEEN BY HEARING EXAMINER (DUE TO SEVERITY OF MISCONDUCT)							
PRE-HEARING CONFINEMENT							
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO							
REPORTING STAFF MEMBER SIGNATURE AND TITLE				ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY SIGNATURE AND TITLE		DATE AND TIME INMATE GIVEN C.O.	
Barry KARNOWSKI Cof				[Signature]		17NOV01 2027	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE				Misconduct Category		Signature of Person Serving Notice	
11-18-01 09:00				<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		Douglas L Clark COID [Signature]	
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

DC-141

PART II C

COMMONWEALTH OF PENNSYLVANIA

Rev. 6-84

HEARING SUPPLEMENT

DEPARTMENT OF CORRECTIONS

INMATE VERSION AND WITNESS STATEMENTS

DC Number	Name	Institution	No. from PART
CF-3756	BRANIFF Exhibit A A - B	SLUIM	62723

INMATE'S VERSION

Sir: I do not disobey any orders given to me by staff and I tell others to obey all orders given and to respect those who have charge over us. God tells all Christians to do this.

I was sitting up for count the C/o Muir came in the cube counted walked out ~~and~~ after he counted me sitting up, he passed C/o Kowarski in front of my cube C/o Muir ~~and~~ and three other inmates in Bed 6, 7, 8 Right next to me.

I have spoken with Lt Vargas and MR Mc Donnell about C/o Kowarski. I have written Grievance about him. Lt Vargas spoke with him. I do not have any problems with any other Block officer. I really try very hard to stay out of trouble. I am seeing C/o Kowarski in federal court all this is Retaliation for accessing the Cor.

Sir there are 365 days in a year I have been on this Block a year 4 counts a day 1,400 a year all to count and I sit for all of them.

I know how important Count is all of these entries are from 2 shift with C/o Kowarski tell his fellow C/o's to make these entries. Two of them were because I was sleep and one I was on the top Bunk and could not hang my feet down.

I am fifty years old almost and I do fall asleep after I eat. I have high Blood Pressure a slow heart and Diabetes. I know I have to be clam stay away from Pressure situations so I have to agree and comply with all C/o's and staff.

I am only trying to do my time without any trouble and go home. I do not hate C/o Kowarski. I must love him and all people because they are made in God's image and help them. God willing.

I do not control anything or anyone only myself.

DC-141

PART II A

COMMONWEALTH OF PENNSYLVANIA

Rev. 6-84

INMATE REQUEST FOR
REPRESENTATION AND WITNESSES

DEPARTMENT OF CORRECTIONS

DC Number	Name	Institution	Date	Number as on P
CF 3756	BRANCH	Greentown	11-17-01	117-01

You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.

In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.

Assistance: ☐ I do not request assistance
☐ I request assistance by _____
 (The person requested must be willing to assist you)

Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.

If Inmate
 1. Name of Witness: No. Quarters
 LIMBECK Smiley DP5733 F2-1004
 Why is this person's testimony relevant and important? Bed 7
 I SAW branch sitting on
 his bunk at count time

DO NOT WRITE IN THIS SECTION
 For Use by Hearing Examiner

Witness permitted? Yes If not, why not?

If Inmate
 2. Name of Witness: No. Quarters
 Percy Maple EX273 F2-1004 Bed #8
 Why is this person's testimony relevant and important?
 I seen Branch up at count time sitting up on his
 bunk

Witness permitted? Yes If not, why not?

Please note that each
 inmate wrote his own
 statement

If Inmate
 3. Name of Witness: No. Quarters
 JEFFREY BOND AS-2594 F-2/1004
 Why is this person's testimony relevant and important? Bed 11/6
 MR BRANCH WAS UP FOR COUNT THE SAME
 AS HE IS ALWAYS.

Witness permitted? Yes If not, why not?

William Branch CF3756
 Inmate's Signature

This section to be completed by Housing Officer only

Received completed form 0645 hours 11-19-01
 Time Date

Richardson Bill COT
 Housing Officer's Signature

Donald J. Jones
 Hearing Examiner's Signature

FORM DC-141 PART II E
MISCONDUCT HEARING APPEALCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number	Name	Institution	No. from PAR
CF 3756	William Branch	SCI Way	101

I was found guilty of misconduct # 627233 on 11-20-01 (date) by the Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:

Check Area(s) Involved

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.



Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all persons who may have information which may be helpful in resolving this matter.

I was charged with Disobeying a order not sitting for count that was dismissed misconduct # 35. then I must have Been sitting for count Reason co-muir called count and he counted me first. co Kowarski counted me after co muir I never change my position.

Three inmates testified to this and co muir by his inmate me and not saying I not sitting for count even if H.E. for my witness incredible co muir counting me says I was sitting for count

in the evidence shifts to my favor. the supervisor and submitted that I was warned. All times as supervisor told me I members to do this. I was on a log book with co Kowarski. I have a chapter with Branch. I am not a member of the group. I have a chapter with Branch. I am not a member of the group. I have a chapter with Branch. I am not a member of the group.

I have explained to co Kowarski I am not intentionaly not sitting and I am a old man and sometime after I got up. This time I was not asleep and I was sitting up I will again with co Kowarski I will say "sir I do not know what you dislike me so but I will make sure again."

and sit with my feet on the floor

Respectfully

DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT		PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
DC Number CF3756	Name BRANCH Edward	Institution ST. MARY'S	Hearing Date 11-20-2001	Hearing Time 1008	No. from Pa 6272
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
HEARING ACTION					
CHARGES 35					
41					
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>Branch pleads not guilty of both charges, and does submit a written version which is attached.</p> <p>Inmate Maple testified under oath that he did see inmate Branch sitting for count on 11-17-2001 O/A 1630 hrs. When ordered to sit for count inmate Branch sat all the way up.</p> <p>Inmate Bond testified under oath corroborating the testimony of inmate Maple.</p> <p>Inmate Smiley testified under oath that he saw inmate Branch sitting for the 1630 hr. count. I didn't hear any orders.</p> <p>H.E. does not believe any of the witnesses.</p> <p>Examiner believes the officers reports over the inmate's denial and the witnesses testimony. C.O. Kawowski reports observing that inmate Branch was not sitting for the 1630 hr. count on 11-17-2001 as required.</p> <p>Inmate Branch was lying on his bunk at 1630 hrs. H.E. makes note that inmate Branch did fail to sit for count. Guilty of #41.</p> <p>Sanction: Loss of Job. 30 days cell restriction. Affected 11-20-2001. Dismiss #3.</p>					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	<p>The inmate has heard the decision and has been told the reason for it and what will happen.</p> <p>The circumstances of the charge have been read and fully explained to the inmate.</p> <p>The opportunity to have the inmate's version reported as part of the record was given.</p> <p>The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.</p>		<p>Witness form submitted.</p> <p>SEE APPENDICES</p> <p>Version of form submitted.</p>	
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
DONALD J. JONES		Donald J. Jones SIGNATURE OF HEARING EXAMINER/COORDINATOR			